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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP  
1650 MARKET ST  
SUITE 4900  
PHILADELPHIA, PA 19103

EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/046,124

Applicant(s)

BOURGINE, PAUL

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on February 27, 2006 has been entered. Claim 7 has been amended. No claims have been cancelled. No claims have been added. Claims 1-10 are still pending in this application, with claims 1, 7, and 10 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Holt (US 5,896,448).
3. In regards to claims 1, 7, and 10, Gross discloses a process and communication device for management of data transfer to a specific destination station having a plurality of real addresses, the process being applied to a multiplicity of telecommunications supports (See Abstract and col. 1-2 lines 66-6) and comprising: defining a virtual address (e.g. toll free 800 number or 888 number) of a destination station, said destination station having a plurality of real addresses (See col. 3-4 lines 65-6 and col. 4 lines 14-19); sequentially searching through the real addresses

according to a predetermined ordered sequence until obtaining a positive response from a real address establishing a communications channel; and transferring data by the communication channel (See col. 9 lines 29-62). Gross, however, does not disclose correlating at least one variable factor with failure and/or success in establishing communications with the real addresses; and determining a new order of the sequence for sequentially searching through the real addresses based on the correlation. Holt, however, does disclose correlating at least one variable factor (i.e., call is answered, busy signal is received, call is forwarded to an answering machine, etc.) with failure and/or success in establishing communications with the real addresses (See col. 3 lines 12-20 and col. 4 lines 27-38); and determining a new order of the sequence (i.e., the order in which the list of numbers to be called is dynamically updated/sorted depending on the probability of completing the call) for sequentially searching through the real addresses based on the correlation (See col. 3 lines 59-62, col. 3-4 lines 65-6, col. 4 lines 63-65, col. 7 lines 19-36, and col. 7-8 lines 64-10). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system, as a way of decreasing the amount of time required to route a call to a party (In Holt, See col. 5 lines 33-36). In other words, this would increase the speed of delivering communications between parties, by selecting destinations from a routing list based on call completion probability.

4. In regards to claim 2, Gross discloses all of claim 2 limitations, except the process, wherein at each failure and/or success in establishing communication, communication parameters are stored in a memory and data stored in the memory are

processed to define optimal communication establishment parameters. Holt, however, discloses the process, wherein at each failure and/or success in establishing communication, communication parameters are stored in a memory and data stored in the memory are processed to define optimal communication establishment parameters (See col. 7 lines 26-36).

5. In regards to claims 3 and 4, Gross discloses all of claims 3 and 4 limitations, except the process, wherein the processing performed on data stored in the memory is an iterative learning process. Holt, however, discloses the process, wherein the processing performed on data stored in the memory is an iterative learning process (See col. 4 lines 27-38).

6. In regards to claim 5, Gross discloses all of claim 5 limitations, except the process, wherein the processing performed on data stored in the memory is a statistical processing. Holt, however, discloses the process, wherein the processing performed on data stored in the memory is a statistical processing (See col. 4 lines 27-38).

7. In regards to claim 6, Gross discloses the process, wherein the communication parameters are selected from the group consisting of date, time, and address (See col. 9-10 lines 63-29).

8. In regards to claim 8, Gross discloses the process, wherein one of the at least one variable factors is time of day (See col. 9-10 lines 63-17).

9. In regards to claim 9, Gross discloses the process, wherein one of the at least one variable factors is day of week (See col. 9-10 lines 63-17).

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wunsch (US 6,606,381) teaches a dynamic ordering of an electronic phonebook.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thjuan P. Knowlin

A handwritten signature in black ink, appearing to read 'Wing Chan', written in a cursive style.

**WING CHAN**  
**SENIOR PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2600**